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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,123	10/21/2003	Bradley M. Houghtaling	85413AEK	3653

7590

09/21/2005

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EXAMINER

JACKSON, MONIQUE R

ART UNIT

PAPER NUMBER

, 1773

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/690,123	Applicant(s) HOUGHTALING ET AL.	
	Examiner Monique R. Jackson	Art Unit 1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/03 &amp; 4/05</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Objections*

1. Claims 3-5 and 35-37 are objected to because of the following informalities: though alternative expressions are permissive in the claims, they should be drafted in proper alternative format, i.e. “**selected from A, B or C**”; or in proper Markush claim format, i.e. “selected from the **group consisting of A, B and C**”. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nair et al (US 2004/0091643A1) in view of Higashi et al (USPN 6,060,183) or Aylward et al (USPN 6,832,037.) Nair et al teach an optical film for display devices comprising a support and an antiglare abrasion layer containing antiglare asymmetric particles in a radiation cured (meth)acrylate binder (Abstract; Claim 1; Paragraph 0021.) The radiation cured binder comprises polyfunctional acrylic compounds including those as instantly claimed and a silicone acrylate lubricant as instantly claimed (Claims 2-8, 13-14, 23-25, and 29-36.) Nair et al further teach a method of producing an optical film by providing a flexible transparent polymeric support such as triacetyl cellulose, as instantly claimed, and then coating with a coating dispersion comprising the same radiation curable binder as instantly claimed, particles, and a radiation sensitive curing agent in an organic solvent as instantly claimed (Claims 17-19 and 26-

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29.) Nair et al teach that the optical film can be utilized to produce an LCD display or a touch screen as instantly claimed and has a total light transmission of greater than 90 percent, a haze of less than 50, and a gloss of less than 130 (Claims 20-22.) Nair et al teach that the particles have an average size of between 2 and 10 micrometers and are present in an amount of 2% by weight to less than 50% by weight of the layer (Claims 10-12.) Nair et al teach that the particles are preferably irregular polyamide polymer particles but do not teach layered clay particles.

However, it is known in the art that layered clay particles such as those instantly claimed have excellent transparency and may be incorporated into coating layers of optical films as taught by Higashi et al or Aylward et al and provide functionally equivalent antiglare properties to the polyamide particles taught by Nair et al. Hence it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize layered clay particles as the transparent antiglare particles in the invention taught by Nair et al. Further, one having ordinary skill in the art at the time of the invention would have been motivated to determine the optimum amount of the transparent layered clay particles to include in the layer to provide the desired optical properties, such as haze and gloss, for a particular end use.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maekawa (USPN 6,164,785) teaches an antiglaring composite comprising a triacetyl cellulose substrate film and an antiglaring film on the substrate wherein the antiglaring film is produced by a radiation curable acrylate compound and transparent particles dispersed therein.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R. Jackson whose telephone number is 571-272-1508. The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Monique R. Jackson  
Primary Examiner  
Technology Center 1700  
September 19, 2005